



# Sterne Kessler Goldstein Fox

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\*Admitted only in Maryland  
\*Admitted only in Virginia  
\*Admitted only in Texas

CPA 11652

February 19, 2002

RECEIVED  
FEB 22 2002  
TECH CENTER 1600/2900

WRITER'S DIRECT NUMBER:

(202) 218-7824

INTERNET ADDRESS:

GLONGS@SKGF.COM

Commissioner for Patents  
Washington, D.C. 20231

Box: CPA

Re: U.S. Utility Patent Application  
Request for Continued Prosecution Application (CPA)  
Appl. No. 09/229,173; Filed: January 13, 1999  
For: **Cloned DNA Polymerases From *Thermotoga maritima*  
and Mutants Thereof**  
Inventor: Deb K. CHATTERJEE  
Our Ref: 0942.2800008/RWE/RCM/GLL  
Art Unit: 1652

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Fee Transmittal Form PTO/SB/17;
2. CPA Transmittal Form PTO/SB/29;
3. Communication;
4. Authorization To Treat A Reply As Incorporating An Extension Of Time Under 37 C.F.R. § 1.136(a)(3);
5. Our check no. 34224 in the amount of \$866.00 to cover:  
\$740.00 for Basic filing fee (37 C.F.R. § 1.16(a)); and  
\$126.00 for excess claim fee; and
6. One return postcard.

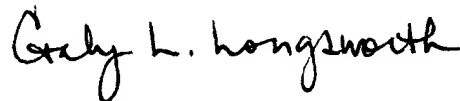
Commissioner for Patents  
February 19, 2002  
Page 2

It is respectfully requested that the attached postcard be stamped with the filing date of these documents and returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Gaby L. Longsworth  
Agent for Applicant  
Registration No. 47,756

RWE/RCM/GLL/eak

Enclosures

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skgf. rev. 2/12/02 dew

# 24  
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02/25/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CHATTERJEE, Deb K.

Appl. No. 09/229,173

Filed: January 13, 1999

For: **Cloned DNA Polymerases From  
*Thermotoga maritima* and  
Mutants Thereof**

Confirmation No. 7438

Art Unit: 1652

Examiner: Hutson, R.

Atty. Docket: 0942.2800008/RWE/RCM/GLL



Communication

Commissioner for Patents  
Washington, D.C. 20231

Sir:

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FEB 22 2002  
TECH CENTER 1600/2800

During a recent telephonic conversation with Applicants' undersigned representative,  
the Examiner agreed to schedule an interview prior to substantive examination. Thus,  
Applicants will contact the Examiner to schedule an interview in March 2002.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

*Gaby L. Longsworth*

Gaby L. Longsworth  
Agent for Applicant  
Registration No. 47,756

Date: February 19, 2002  
1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
(202) 371-2600

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Deb K. CHATTERJEE

Appl. No. 09/229,173

Filed: January 13, 1999

For: **Cloned DNA Polymerases From  
*Thermotoga maritima* and  
Mutants Thereof**

Confirmation No. 7438

Art Unit: 1652

Examiner: Hutson, Richard G.

Atty. Docket: 0942.2800008/RWE/RCM/GLL



**Authorization To Treat A Reply As Incorporating An Extension Of  
Time Under 37 C.F.R. § 1.136(a)(3)**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

**RECEIVED**  
FEB 22 2002  
TECH CENTER 1600/2900

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in cursive script that reads "Gaby L. Longworth".

Gaby L. Longworth  
Agent for Applicant  
Registration No. 47,756

Date: February 19, 2002  
1100 New York Avenue, N.W.  
Suite 600  
Washington, D.C. 20005-3934  
(202) 371-2600

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mb  
02/25/02

OTPE  
FEB 19 2002  
PATENT & TRADEMARK OFFICE

**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX if applicable:  
☐ **DUPLICATE**

Address to:  Assistant Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No. of Prior Application	0942.2800008/RWE/RCM/GLL
	First Named Inventor	Deb K. CHATTERJEE
	Examiner Name	Hutson, Richard G.
	Group/Art Unit	1652
	Express Mail Label No.	

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR § 1.53(d),  
(continued prosecution application (CPA)) of the prior application number 09/229,173, filed on January 13, 1999  
entitled: Cloned DNA Polymerases From *Thermotoga maritima* and Mutants Thereof.

NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR § 1.51(b) or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice Changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR § 1.53(d), but must be filed under 37 CFR § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the application under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR § 1.78(a).

**Warning: Information on this form may become public. Credit Card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR § 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR § 1.53(d)(4).
  - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
.....
  - b. ☐ The inventor(s) to be deleted are set forth in a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS citations

[Page 1 of 2]

Burden Hour Statement: this form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

02/21/2002 GTEFFERA 00000029 09229173

01 FC:131

740.00 OP

02 FC:103

126.00 OP

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FEB 22 2002  
TECH CENTER 1600/2900

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
	TOTAL CLAIMS (37 CFR § 1.16(c) or (j))	27-20* =	7	x \$ 18.00 =	\$126.00
	INDEPENDENT CLAIMS (37 CFR § 1.16(b) or (i))	3-3** =	0	x \$ 84.00 =	\$0
	MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR § 1.16(d))			x \$ 280.00 =	
				BASIC FEE (37 CFR § 1.16)	\$ 740.00
	Total of above Calculations =				\$866.00
	Reduction by 50% for filing by small entity (Note 37 CFR 1.27).				
	* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.				\$866.00
	TOTAL =				

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 19-0036:
- a. ☐ Fees required under 37 CFR § 1.16. b. ☐ Fees required under 37 CFR § 1.17.
- c. ☐ Fees required under 37 CFR § 1.18.
8. ☒ A check in the amount of \$866.00 is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is enclosed.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☐ New Attorney Docket Number, if desired \_\_\_\_\_  
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)  
b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)
13. ☒ Other: Authorization To Treat A Reply As Incorporating An Extension Of Time Under 37 C.F.R. § 1.136(a)(3)  
☒ Other: The Name of the Assignee is: Life Technologies, Inc.  
☒ Other: Communication  
☐ Other: \_\_\_\_\_

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS					
<input checked="" type="checkbox"/> Customer Number or Bar Code Label		(Insert Customer Number or Bar Code Label here)		or <input type="checkbox"/> New correspondence address below	
Customer No. 26111		26111		PATENT TRADEMARK OFFICE	
Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.					
Address: _____					
City: _____		State: _____	Zip Code: _____	Fax: _____	
Country: _____		Telephone: _____			

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
Name (Print/Type)	Gaby L. Longsworth
Signature	<i>Gaby L. Longsworth</i>
Registration No. (Attorney/Agent)	47,756
Date	February 19, 2002

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FEB 19 2002  
PATENT & TRADEMARK OFFICE

Patent fees are subject to annual revision

<b>TOTAL AMOUNT OF PAYMENT</b>	<b>(\$866.00</b>
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<b>Application Number</b>	09/229,173
<b>Filing Date</b>	January 13, 1999
<b>First Named Inventor</b>	Deb K. CHATTERJEE
<b>Examiner Name</b>	Hutson, Richard G.
<b>Group Art Unit</b>	1652
<b>Attorney Docket No.</b>	0942.2800008/RWE/RCM/GLL

**FEE CALCULATION (continued)**

- ☐ Applicant claims small entity status  
See 37 CFR 1.27

- \*Charge any deficiencies or credit any overpayments in the fees or fee calculations of Parts 1, 2 and 3 below to Deposit Account No. 19-0036.

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	<u>740.00</u>
106	330	206	165	Design filing fee	_____
107	510	207	255	Plant filing fee	_____
108	740	208	370	Reissue filing fee	_____
114	160	214	80	Provisional filing fee	_____

**SUBTOTAL (1) (\$)** 740.00

Extra	Fee from below	Fee Paid
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Total Claims 27 - 20\*\* = 7 X 18 = 126.00

Indep. Claims 3 - 3\*\* = 0 X 84 = 0

## Multiple Dependent

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim
108	84	209	42	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

**SUBTOTAL (2) (\$)** 126.00

**\*\* or number previously paid, if greater; For Reissues, see above**

	Large Entity	Small Entity
1. <b>Entity</b>	Entity	Entity
2. <b>Entity</b>	Entity	Entity
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98. <b>Entity</b>	Entity	Entity
99. <b>Entity</b>	Entity	Entity
100. <b>Entity</b>	Entity	Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
105	130	205	65	Surcharge - late filing fee or oath
127	50	227	25	Surcharge - late provisional filing fee or cover sheet
139	130	139	130	Non-English specification
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination
112	920*	112	920*	Requesting publication of SIR prior to Examiner action
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action
115	110	215	55	Extension for reply within first month
116	400	216	200	Extension for reply within second month
117	920	217	460	Extension for reply within third month
118	1,440	218	720	Extension for reply within fourth month
128	1,960	228	980	Extension for reply within fifth month
119	320	219	160	Notice of Appeal
120	320	220	160	Filing a brief in support of an appeal
121	280	221	140	Request for oral hearing
138	1,510	138	1,510	Petition to institute a public use proceeding
140	110	240	55	Petition to revive - unavoidable
141	1,280	241	640	Petition to revive - unintentional
142	1,280	242	640	Utility issue fee (or reissue)
143	460	243	230	Design issue fee
144	620	244	310	Plant issue fee
122	130	122	130	Petitions to the Commissioner
123	130	123	130	Petitions related to provisional applications
126	180	126	180	Submission of Information Disclosure Stmt
581	40	481	40	Recording each patent assignment per property (times number of properties)
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))
179	740	279	370	Request for Continued Examination (RCE)
169	900	169	900	Request for expedited examination of a design application

Other fee (specify) :

Other fee (specify) :

\*Reduced by Basic Filing Fee Paid

**SUBTOTAL (3)** (\$)0

**Complete (if applicable)**

Name (Print/Type)	Gaby L. Longsworth	Registration No. (Attorney/Agent)	47,756	Telephone	202-371-2600
Signature	Gaby L. Longsworth			Date	February 19, 2002

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**be included on this form. Provide credit card information and authorization on PTO-2038.**

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**

SKGF Rev. 10/01/01 mmac

fee.2-19-0

fee.2-19-02